

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Communications Assistance for)
Law Enforcement Act)

CC Docket No. 97-213

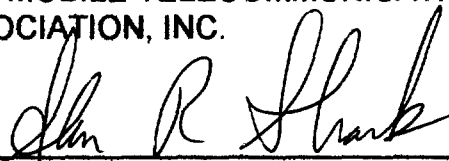
To: The Commission

REPLY COMMENTS of the
AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.
on the
FURTHER NOTICE OF PROPOSED RULE MAKING

Respectfully submitted,

AMERICAN MOBILE TELECOMMUNICATIONS
ASSOCIATION, INC.

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January 27, 1999

In response to the Further Notice of Proposed Rule Making adopted by the Federal Communications Commission ("FCC" or "Commission") and released on November 5, 1998¹ and pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. §1.415, the American Mobile Telecommunications Association, Inc. ("AMTA" or "Association") respectfully submits these reply comments with respect to the FCC's implementation of the Communications Assistance for Law Enforcement Act ("CALEA").² AMTA supports those commenters stating that the wireless industry standard, J-STD-025, ("J-STD") is not deficient as a means of compliance for those wireless systems for which it is meant, specifically broadband PCS and cellular systems.³ AMTA also takes this opportunity to remind the Commission that the J-STD is not designed to provide a safe harbor for CALEA capability compliance for all wireless services. It specifically does not include wireless dispatch services, such as those offered by both analog and digital specialized mobile radio ("SMR") providers, nor does it describe compliance measures appropriate for interconnected analog land mobile systems. In support thereof, AMTA submits the following:

I. INTRODUCTION

1. AMTA is a nationwide, non-profit trade association dedicated to the interests of the specialized wireless communications industry. The Association's members include trunked and conventional 800 MHz and 900 MHz SMR service operators, licensees of

¹ *Further Notice of Proposed Rule Making*, In the Matter of Communications Assistance for Law Enforcement Act, FCC No. 98-282, CC Docket No. 97-213 ("FNPRM").

² Pub. L. No. 103-414, 108 Stat. 4279 (1994), *codified at* 47 U.S.C. §.

³ *See, e.g.*, Comments of the Telecommunications Industry Association, CC Docket No. 97-213, submitted December 14, 1998.

wide-area and digital SMR systems, and commercial licensees in the 220 MHz and 450-512 MHz bands. These members provide commercial wireless services throughout the country. Those that offer any interconnection capability on their systems are classified as commercial mobile service ("CMRS"), while those without interconnect offerings or authorization are classified as private mobile service ("PMRS"). AMTA has previously recommended to the FCC that it adopt the definition of "telecommunications carrier" included in Section 102(8) of CALEA,⁴ which limits CALEA compliance to common carriers. However, regardless of the FCC's final decision on this issue, a significant portion of AMTA's members will be required to comply with CALEA capability requirements.

II. DISCUSSION

2. AMTA supports those commenters that aver that the J-STD, formulated after many months of work by a diverse group incorporating much of the mass-market wireless industry, is not deficient. The standard should be affirmed by the FCC as a safe harbor for assistance capability requirements for those industry segments for which it was designed, pursuant to Section 103 of CALEA. AMTA also urges the Commission to adopt its proposed transition period for imposing its eventual decision, providing an adequate period of time for equipment manufacturers to design and develop software and hardware modifications needed.

⁴ 47 U.S.C. § 1001(8).

3. AMTA takes this opportunity to emphasize, however, that the J-STD was not developed as an assistance capability standard for all telecommunications carriers, however the FCC eventually determines it will interpret that definition. The J-STD presupposes technical capabilities and network structure beyond the reach of non-consumer wireless systems such as those operated by analog SMR and other two-way land mobile service providers. By no means is compliance with the standard possible for dispatch services, whether offered via analog or digital platforms.

4. Both law enforcement and the parties involved in developing the J-STD appear aware of this fact. The SMR industry was not involved in developing the standard, nor was it included among law enforcement contacts during the development process. The FCC itself noted that the J-STD was meant to provide a safe harbor for wireline, cellular and broadband PCS carriers,⁵ a list that specifically excludes other commercial service providers.

5. As AMTA has pointed out in previous comments to the Commission and the Federal Bureau of Investigation, most SMR and similar service providers employ single- or few-site systems offering local two-way voice service using trunking technology. These systems do not include any internal switching capabilities. Interconnection to the public switched network, in many cases, is limited to use of a few shared telephone lines for which the operator, rather than the user, is the local exchange carrier's customer.

⁵ FNPRM at ¶ 10.

6. The overall structure of these systems, moreover, is not likely to change as the industry moves gradually toward implementation of digital technology. While a new technological platform will provide greater spectrum efficiency and perhaps opportunities for more diverse service offerings, local SMR and other commercial land mobile systems are not expected to develop into the complex, fully interconnected networks found in consumer wireless services. Thus, the J-STD is not an appropriate compliance vehicle for these services either now or in the future. To the extent that such carriers are eventually determined to be subject to CALEA capability requirements, separate standards must be developed pursuant to Section 103 of CALEA.

III. CONCLUSION

7. For the reasons described herein, AMTA urges the Commission to find that the J-STD is not deficient, and to approve the standard as providing a safe harbor for CALEA capability compliance to those telecommunications carriers for which it was developed.

CERTIFICATE OF SERVICE

I, Linda J. Evans, a secretary in the law office of Lukas, Nace, Gutierrez & Sachs, hereby certify
that I have, on this January 27, 1999, caused to be hand delivered a copy of the foregoing to the following:

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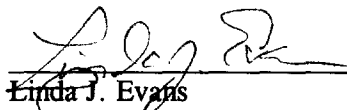
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*Via First-class Mail